

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JAIME RIVERA ALICEA,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

CIVIL NO. 00-2544(HL)

re: Criminal No. 96-185-8(HL)

Section 2255

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

Before the Court is Magistrate Gustavo A. Gelpí's Report and Recommendation (Docket No. 85). In his Report and Recommendation, Magistrate Gelpí sets forth the terms of the agreement reached by the parties which were explained and accepted by the petitioner in open court. Magistrate Gelpí further reports that the petitioner understood the Court's explanations and entered into said agreement knowingly, intelligently, and voluntarily, and recommends the Court's approval.

On March 23, 2006, the parties filed a joint Stipulation (Docket No. 86) that the judgment entered against the petitioner in the criminal case (Cr. 96-185-8 at docket no. 208) be amended to reflect the following terms: concurrent terms of 151 months of imprisonment as to Counts One and Two, and a consecutive term of imprisonment of 60 months as to Count Three, for a total term of imprisonment of 211 months. The parties have further agreed that the amended judgment will expressly specify that the petitioner's sentence be credited toward service of the terms specified in the Amended Judgment, to be entered simultaneous to judgment of dismissal with prejudice of the instant Section 2255 petition. As part of the Stipulation, petitioner has waived the right to appeal the instant dismissal or the Amended Judgment in the criminal case, as well as the right to collaterally attack the criminal conviction or the amended judgment to be entered.

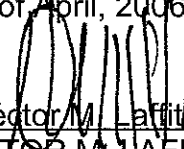
CIVIL NO. 00-2544(HL)
re: Criminal No. 96-185-8 (HL)

Page -2-

WHEREFORE, after a careful review of the record, the Court hereby APPROVES and ADOPTS the Magistrate's Report and Recommendation; the parties' Stipulation is also APPROVED. The instant case is therefore DISMISSED with prejudice and judgment entered accordingly. Amended Judgment in Criminal Case No. 96-186-8(HL) shall also enter pursuant to the terms stipulated by the parties, examined by the magistrate judge, and approved by the Court.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 4th day of April, 2006.


s/ Héctor M. Laffitte
HECTOR M. LAFFITTE
U.S. DISTRICT JUDGE